

necessary tasks to prepare the job for a machine to execute the run command. If execution of a run requires monitoring by a human, that human time may be also assessed as computer search. The terms "programmer/operator" shall not be limited to the traditional programmers or operators. Rather, the terms shall be interpreted in their broadest sense to incorporate any human involved in performing the computer job (e.g. technician, administrative support, operator, programmer, database administrator, or action officer).

(ii) *Machine time.* Machine time involves only direct costs of the Central Processing Unit (CPU), input/output devices, and memory capacity used in the actual computer configuration. Only this CPU rate shall be charged. No other machine related costs shall be charged. In situation where the capability does not exist to calculate CPU time, no machine costs can be passed on to the requester. When CPU calculations are not available, only human time costs shall be assessed to requesters. Should DoD Components lease computers, the services charged by the lessor shall not be passed to the requester under the FOIA.

(c) *Duplication.*

Type	Cost per page (cents)
Pre-Printed material	02
Office Copy	15
Microfiche	25
Computer Copies (tapes, discs or printouts).	Actual cost of duplicating the tape, disc or printout (includes operator's time and cost of the medium).

(d) *Review time* (in the case of commercial requesters).

Type	Grade	Hourly rate (\$)
Clerical	E9/GS8 and below	12
Professional	O1–O6/GS9–GS15 ...	25
Executive	O7/GS16/ES1 and above.	45

(e) *Audiovisual documentary materials.* Search costs are computed as for any other record. Duplication cost is the actual direct cost of reproducing the material, including the wage of the person doing the work. Audiovisual

materials provided to a requester need not be in reproducible format or quality.

(f) *Other records.* Direct search and duplication cost for any record not described in this section shall be computed in the manner described for audiovisual documentary material.

(g) *Cost for special services.* Complying with requests for special services is at the discretion of the Components. Neither the FOIA, nor its fee structure cover these kinds of services. Therefore, Components may recover the costs of special services requested by the requester after agreement has been obtained in writing from the requester to pay for one or more of the following services:

(1) Certifying that records are true copies.

(2) Sending records by special methods such as express mail, etc.

§ 286.30 Collection of fees and fee rates for technical data.

(a) *Fees for technical data.* (1) Technical data, other than technical data that discloses critical technology with military or space application, if required to be released under the FOIA, shall be released after the person requesting such technical data pays all reasonable costs attributed to search, duplication and review of the records to be released. Technical data, as used in this section, means recorded information, regardless of the form or method of the recording of a scientific or technical nature (including computer software documentation). This term does not include computer software, or data incidental to contract administration, such as financial and/or management information. DoD Components shall retain the amounts received by such a release, and it shall be merged with and available from which the costs were incurred in complying with request. All reasonable costs as used in this sense are the full costs to the Federal Government of rendering the service, or fair market value of the service, whichever is higher. Fair market value shall be determined in accordance with commercial rates in the local geographical area. In the absence of a known market value, charges shall be based on recovery of full costs to the

§ 286.33

Federal Government. The full costs shall include all direct and indirect costs to conduct the search and to duplicate the records responsive to the request. This cost is to be differentiated from the direct costs allowable under this section for other types of information released under FOIA.

(2) *Waiver.* Components shall waive the payment of costs required in paragraph (a)(1) of this section which are greater than the costs that would be required for release of this same information under § 286.29 if:

(i) The request is made by a citizen of the United States or a United States corporation, and such citizen or corporation certifies that the technical data requested is required to enable it to submit an offer, or determine whether it is capable of submitting an offer to provide the product to which the technical data relates to the United States or a contractor with the United States. However, Components may require the citizen or corporation to pay a deposit in an amount equal to not more than the cost of complying with the request, which will be refunded upon submission of an offer by the citizen or corporation;

(ii) The release of technical data is requested in order to comply with the terms of an international agreement; or

(iii) The Component determines in accordance with § 286.28(d)(a), that such a waiver is in the interest of the United States.

(b) *Fee rates*—(1) *Search time*—(i) *Manual search.*

Type	Grade	Hourly rate (\$)
Clerical	E9/GS8 and below ..	13.25
(Minimum charge) .....	.....	8.30

(ii) *Professional and executive* (To be established at actual hourly rate prior to search. A minimum charge will be established at ½ hourly rates). Computer search is based on the total cost of the central processing unit, input-output devices, and memory capacity of the actual computer configuration. The wage (based upon the scale in paragraph (b)(1)(i) of this section) for the computer operator and/or programmer determining how to conduct, and subsequently executing the search will be

32 CFR Ch. I (7–1–98 Edition)

recorded as part of the computer search. See § 286.29(b)(2) for further details regarding computer search.

(2) *Duplication.*

Type	Cost
Aerial photograph maps, specifications, permits, charts, blueprints, and other technical engineering documents	\$2.50
Engineering data (microfilm):	
Aperture cards:	
Silver duplicate negative, per card .....	.75
When key punched and verified, per card .....	.85
Diazo duplicate negative, per card .....	.65
When key punched and verified, per card .....	.75
35mm roll film, per frame .....	.50
16mm roll film, per frame .....	.45
Paper prints (engineering drawings), each	1.50
Paper reprints of microfilm indices, each .....	.10

(3) *Review time.*

Type	Grade	Hourly rate (\$)
Clerical	E9/GS8 and below ..	13.25
(Minimum charge) .....	.....	8.30

(4) *Professional and executive* (To be established at actual hourly rate prior to review. A minimum charge will be established at an hourly rate).

(5) *Other technical data records.* Charges for any additional services not specifically provided in paragraph (b)(3) of this section consistent with Volume 11A of DoD 7000.14-R,¹² shall be made by Components at the following rates:

Minimum charge for office copy (up to six images)	\$3.50
Each additional image	10
Each typewritten page	3.50
Certification and validation with seal, each	5.20
Hand-drawn plots and sketches, each hour or fraction thereof	12.00

Subpart G—Reports

§ 286.33 Reports control.

(a) Each DoD Component shall compile FOIA statistics on a fiscal year basis beginning October 1, 1997, and report same to the Directorate for Freedom of Information and Security Review, Office of the Assistant Secretary of Defense (Public Affairs) (DFOISR, OASD(PA)) no later than November 30 following the fiscal year's close. In turn, DFOISR, OASD(PA) will produce

¹² See footnote 1 to § 286.1(a).